

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

<b>Carol Jacobs-Lugge</b>	:	
<b>-vs-</b>	:	
<b>Illinois Power Company d/b/a</b>	:	<b>07-0346</b>
<b>AmerenIP</b>	:	
	:	
<b>Complaint as to billing/charges in</b>	:	
<b>Freeburg, Illinois.</b>	:	

**PROPOSED ORDER**

By the Commission:

On May 29, 2007, Carol Jacobs-Lugge ("Complainant") filed with the Illinois Commerce Commission ("Commission") a formal complaint against Illinois Power Company d/b/a AmerenIP ("Respondent"). Complainant alleges that Respondent is inflating the kilowatt-hour ("kWh") usage recorded on the meter on her residence in Freeburg, Illinois. Complainant requests that the Commission find in her favor and direct Respondent to bill her for only what she actually uses at her residence.

Pursuant to due notice, hearings were held in this matter before a duly authorized Administrative Law Judge of the Commission at its offices in Springfield, Illinois on June 20, August 1, September 5, October 24, and November 27, 2007. Complainant represented herself in this matter and testified on her own behalf. Respondent appeared through counsel, and called Arthur Monroe, the Electric Metering Supervisor for Respondent's Energy Delivery Illinois Electric Metering Department, Southern Division, to testify. Greg Rockrohr, a Senior Electrical Engineer within the Engineering Department of the Energy Division of the Commission's Public Utilities Bureau, appeared on behalf of Commission Staff ("Staff") and offered testimony as well. At the end of the November 27<sup>th</sup> hearing, the record was marked "Heard and Taken." No briefs were submitted in this matter. A Proposed Order was served on the parties.

Complainant lives alone in a home that she and her husband built in 1982. The home has never received natural gas service and is considered an "all electric" home. Prior to the death of her husband in December of 2005, Complainant testifies that the household used many electrical appliances daily. Specifically, her complaint indicates that the washer, dryer, and dishwasher were used every day. A television was on for more than half of the day nearly every day. An oven was used almost every day. A large and a small chest freezer were in use. Lights were on throughout the house and electric yard tools were in use from time to time. The water heater was set at 140 degrees Fahrenheit while the heat pump thermostat was set at approximately 75 degrees in the winter and 72 degrees in the summer. Complainant explains that so many appliances were used so frequently because she was taking care of her husband

at home, who suffered from psoriasis throughout his life and dementia for several years prior to his death.

Following her husband's death, Complainant states that she has not used her electrical appliances nearly as much. She indicates that she uses her washer perhaps once a week and hangs clothes to dry to avoid using her electric dryer. The television is on for roughly one hour each day. Oven use has been replaced by microwave use and the chest freezers have been unplugged. Her water heater is now set at 125 degrees and the heat pump thermostat is set at approximately 67 degrees in the winter and 80 degrees in the summer. Compact fluorescent light bulbs have replaced incandescent light bulbs. Complainant testifies that in the evening she uses a flashlight to move around her home. In colder weather she uses kerosene lamps since they provide both light and heat. Complainant describes other electricity conservation measures as well.

Despite her many efforts to minimize her usage of electricity, Complainant has been surprised to see her monthly kWh usage reported on her bills from Respondent increase rather than decrease. Attached to her complaint and written direct testimony (admitted as Complainant Ex. 1) are spreadsheets setting forth monthly electricity usage as recorded by Respondent for the period beginning December 2003 and ending May 2007. By way of example, she points to the month of April in 2004 and 2007. In April of 2004, Respondent billed Complainant for 733 kWh. The number of days in the billing period was 33 and the average temperature was 56 degrees. In April of 2007, Respondent billed Complainant for 1,057 kWh. The number of days in the billing period was 32 and the average temperature was 54 degrees. Complainant provides other, similar examples as well. Complainant can not understand how her usage can be increasing during nearly identical weather and lengths of time in light of the many conservation measures that she has taken and surmises that Respondent is somehow inflating the usage recorded on her meter. In contrast to her electric bills, Complainant points out that her water bills have decreased substantially since she began living alone.

Complainant understands that Respondent is not responsible for usage on the customer side of the meter. She expresses frustration, however, at the fact that no one can explain how her meter can record such comparatively high kWh usage despite her conservation measures. Complainant requests that an entity independent from Respondent monitor her kWh usage for a 30 day period.<sup>1</sup>

In response to Complainant's assertions, Respondent acknowledges that it is responsible for ensuring that its electricity metering equipment is functioning properly. When a customer expresses concerns related to the accuracy of a meter, Mr. Monroe testifies that Respondent complies with its obligations by conducting meter testing

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<sup>1</sup> Complainant also requests in her testimony that the Commission direct Respondent to reinstate a space heat discount as well as time-of-day metering. Such broad rate design and tariff issues are not appropriate matters to be addressed in a complaint proceeding. In any event, a space heat discount has been considered in another proceeding involving Respondent. Moreover, it is not appropriate to raise such prayers for relief in testimony.

pursuant to Section 410.190 of 83 Ill. Adm. Code 410 “Standards of Service for Electric Utilities and Alternative Retail Electric Suppliers” (“Part 410”). Specifically, Mr. Monroe states that Respondent directs personnel trained and qualified in meter reading and diagnostics to the residence or business of the customer requesting the meter testing. Industry accepted meter testing equipment is used to evaluate the ability of the meter to record both light and heavy customer load. Mr. Monroe relates that the testing reveals the ability of the meter to register the amount of electricity flowing through the meter on a percentage basis. Pursuant to Section 410.200, no meter is allowed to be more than +/- 2% in error of the amount of electricity actually flowing through it. If a meter is found to be more than +/- 2% in error, Respondent will issue a correct bill and either replace the meter or adjust it to prevent future occurrences of the problem.

After being informed of Complainant’s concerns, Mr. Monroe testifies that Respondent dispatched a meter technician employed by Respondent to Complainant’s residence on April 12, 2007.<sup>2</sup> He reports that Complainant’s meter registered light load at a rating of 99.01% and heavy load at a rating of 100.2%. The weighted average rating was 99.92%. Although the test did not reveal any variance beyond acceptable parameters, Mr. Monroe states that the meter technician adjusted the meter to register a weighted average of 100.04%. Based on this meter test, Mr. Monroe believes that Complainant’s meter is correctly measuring her usage.

Respondent can not offer any definitive explanation of why Complainant’s usage is as high as it is. Mr. Monroe speculates that the cold temperatures experienced at various periods during January through April of 2007 may account for some of Complainant’s usage during those months. He suggests further that problems with appliances may be to blame and encourages Complainant to contact a qualified electrician or home energy auditor to assist in evaluating her appliances and home energy usage. Mr. Monroe states that he empathizes with Complainant’s frustration, but does not believe that Respondent has acted inappropriately.

Staff witness Rockrohr offers testimony regarding the Commission refereed meter test that he witnessed on September 18, 2007, in accordance with Section 410.190(d). He explains the methodology used in conducting the test. He reports that light load registered at 101.52% and heavy load registered at 101.01%. The weighted average rating was 101.11%. Section 410.150(b) of Part 410 requires that after a meter is tested that it be left with an average error of no more than 1%. In light of the average error detected, Mr. Rockrohr reports that Respondent adjusted Complainant’s meter to an average error of 100.18%. Based on this meter test, Mr. Rockrohr finds the accuracy of Complainant’s meter to be within Commission standards.

While the Commission sympathizes with Complainant’s frustration, the record does not support a finding of wrongdoing by Respondent. Two meter tests in 2007 indicate that Complainant’s meter is functioning within Commission standards. While it

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<sup>2</sup> Complainant disputes the notion that one of Respondent’s employees conducted the April 12, 2007 meter test. She avers that an employee of JF Electrical, Inc., an electrical contractor based in Edwardsville, Illinois, conducted the test at the direction of Respondent.

is true that the second meter test produced results slightly higher than the first, any such “creep” does not account for the increases troubling Complainant. In any event, the record reflects that Complainant’s meter is scheduled to be replaced soon as part of Respondent’s regional implementation of automated meter reading. In addition, Complainant appears to have taken several energy conservation measures in her home, some of which are arguably quite drastic. The Commission also encourages Complainant to contact a qualified electrician or home energy audit service to review energy usage in her home.

The Commission, having considered the record herein, is of the opinion and finds that:

- 1) Complainant alleges improper recording of kWh usage at her residence in Freeburg, Illinois;
- 2) Respondent is an electric utility as defined in the Public Utilities Act (“Act”), 220 ILCS 5/1-101 et seq., providing delivery and metering services to Complainant and others in Illinois;
- 3) in light of meter tests conducted at Complainant’s residence, the record does not support a finding of wrongdoing by Respondent; and
- 4) Complainant’s complaint against Respondent should be denied.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the complaint of Carol Jacobs-Lugge against Illinois Power Company d/b/a AmerenIP is hereby denied.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

DATED: December 7, 2007.

Briefs on Exceptions must be received by December 21, 2007.

Briefs in Reply to Exceptions must be received by December 31, 2007.

John D. Albers  
Administrative Law Judge